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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,239	08/02/2000	Stephen S. Miller		8087

7590 11/07/2003
Jean-Marc Zimmerman
226 St Paul Street
Westfield, NJ 07090

EXAMINER

KNEPPER, DAVID D

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 11/07/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,239

Applicant(s)

MILLER, STEPHEN S.

Examiner

David D. Knepper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Applicant's correspondence filed on 2 August 2000 (paper #1) has been received and considered. Claims 1-22 are pending.

Title

2. The title is objected to because the words "system and method for" should be deleted to shorten the title.

Abstract

3. The Abstract of the Disclosure is objected to because the first sentence repeats information given in the title and should be deleted. Correction is required. See M.P.E.P. § 608.01(b).

Drawings

4. The drawings are objected to because figure 4 needs descriptive words or abbreviations in each block that will readily identify the function of each. Correction is required.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-22 are rejected under 35 U.S.C. § 103 as being unpatentable over Sneh (6,266,635) in view of Firman (5,377,303).

As per claim 1, Sneh teaches a "command-mode of operation and a text-mode of operation" with his dictation and command voice multitasking interface designed to allow the user to use voice input to control dictation as well as other computer command functions.

It is noted that Sneh does not explicitly teach the "using a switch" to switch between the desired functions. However, Firman teaches that it was well known to use various types of switches to control text and command functions. Firman teaches in col. 2, lines 17-21 that the user may switch back and forth between voiced utterances that correspond to commands...and voice utterances that correspond to text strings. It would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to utilize some sort of hardware switch in place of the timing and control method of Sneh because Firman teaches that such switching operations are well known to control these types of desired functions.

col. 2, l
25-26

menus
and
control
buttons

Claims 2, 4, 9, 10, 12, 14, 18, 19, 21: Figure 1 of Firman shows a mouse 134 and keyboard 136. It is common knowledge to one of ordinary skill in the art that these devices commonly have multiple mechanical switches which can be utilized (or programmed) to control desired functions. Connection with a cable is the most common to be used as an electrical conductor.

Claim 3, 11, 12: Using a microphone to capture voice input is notoriously well known. See Sneh's microphone 138 and Firman's microphone 114.

Claims 5-8: Official notice is taken that one of sufficient skill in the art of electronics and computer control systems necessary to make and use speech recognition systems would know how to modify a system for the use of a simple slide switch. In fact, this would be true for any known type of switch. The applicant must have invented a new type of switch for such limitations to be patentable and arguments to the contrary may require a rejection under 35 USC 112, first paragraph. No rejection of this type has been made because it is assumed that such limitations would be considered trivial and readily admitted as prior art.

Claim 13, 15, 16: Official notice is also taken that wireless devices such as keyboards and mice (generally noted under Claims 2, 4, 9, 10, 12 above) are notoriously well known and would be obvious under similar arguments applied to claims 5-8 above.

Claims 17 is rejected under arguments above as made regarding claims 1 and 3.

Claim 20: Prompts (questions) to the user are explicitly taught by Sneh (see abstract).

Claim 22: The use of spoken commands is taught by both Sneh and Firman as noted under claim 1 above.

Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peck (5,555,533), Mitchell (5,727,170), Martin (6,012,995), Willner (6,288,709), and Tuoriniemi (6,470,197) are cited to show examples of switches (such as three-position switches)

Chambers (US 2003/0028382 A1) shows an example for controlling dictation and command functions with voice and manual inputs.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
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or faxed to:

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(703) 872-9314

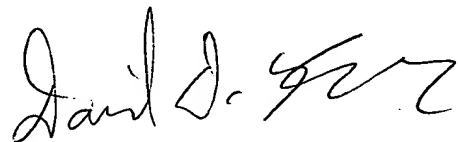
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644.

The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.



David D. Knepper
Primary Examiner
Art Unit 2654
November 3, 2003